

Notice of Allowability

Application No.

10/726,201

Examiner

Crystal J. Barnes

Applicant(s)

BERGMAN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received on 15 March 2006.
2. ☒ The allowed claim(s) is/are 1-9, 12-32, 34-49 and 82-106.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other, _____.

DETAILED ACTION

1. The following is a Notice of Allowability in response to the Amendment received on 15 March 2006. Claims 10, 11, 33 and 50-81 have been cancelled. Claims 18, 34, 49, 91, 94 and 95 have been amended. Claims 1-9, 12-32, 34-49 and 82-106 remain pending in this application.

REASONS FOR ALLOWANCE

2. Claims 1-9, 12-32, 34-49 and 82-106 are allowed.

3. The following is an examiner's statement of reasons for allowance:

As per claim 1, the prior art of record taken alone or in combination fails to teach selecting two or more days of the week using a first region of a first screen of the touch screen user interface and individually changing the at least one schedule parameter for one or more periods during the selected days using a second region of the first screen of the touch screen user interface.

As per claim 18, the prior art of record taken alone or in combination fails to teach selecting two or more days of the week using the menu-driven user interface of the HVAC thermostat to modify the schedule; changing the at least one schedule parameter for one or more periods during the selected days, resulting in

a modified schedule and operating the HVAC thermostat in accordance with the modified schedule.

As per claim 34, the prior art of record taken alone or in combination fails to teach the editing mode allows the user to use the user interface of the programmable controller to concurrently select two or more days of the week to modify the schedule, and to edit the schedule parameters for the selected days.

As per claim 49, the prior art of record taken alone or in combination fails to teach the editing mode allows the user to use the user interface of the programmable controller to concurrently select one or more periods of the schedule for two or more selected days of the week, and to edit the schedule parameters for the selected periods and days.

As per claim 91, the prior art of record taken alone or in combination fails to teach selecting two or more days of the week using one or more of the keys and changing the at least one schedule parameter for one or more periods during the selected days using one or more of the keys.

As per claim 94, the prior art of record taken alone or in combination fails to teach selecting two or more days of the week; displaying a day selection indicator spaced from and adjacent to each of the day indicators that correspond

to the selected days of the week; and changing the at least one schedule parameter for one or more periods of the selected days of the week.

As per claim 97, the prior art of record taken alone or in combination fails to teach selecting two or more days of the week; displaying two or more day selection indicators for indicating which of the days of the week have been selected; and during the changing step, displaying the changed at least one schedule parameter and the day selection indicators on the display.

As per claim 104, the prior art of record taken alone or in combination fails to teach providing a visual indication on the display that indicates to a user of the controller that more than one day of the week may be selected; selecting two or more days of the week; and changing the at least one schedule parameter for one or more periods during the selected days of the week.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to programming HVAC controllers via user interfaces in general:

USPN 7,028,912 B1 to Rosen

USPN 5,289,362 to Liebl et al.

USPN 4,730,941 to Levine et al.

USPN 4,621,336 to Brown

US Pub. No. 2006/0027671 A1 to Shah

US Pub. No. 2006/0004492 A1 to Terlson et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB

12 May 2006